

STATE OF WASHINGTON



**OFFICE OF
INSURANCE COMMISSIONER**

**BEFORE THE INSURANCE COMMISSIONER
OF THE STATE OF WASHINGTON**

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In the Matter of) No. D2000-44
CHARITABLE GOLF ASSOCIATION, INC.) CONSENT ORDER LEVYING A FINE
An Unauthorized Entity)
)

FINDINGS OF FACT:

1. Charitable Golf Association, Inc. ("CGA") is an entity with its principal place of business in the State of Indiana.
2. During 1999, CGA issued an insurance contract to cover the risk of a "hole in one" occurring during a golf tournament held in Washington State to Spokane Lincoln Mercury Sales, Inc., d/b/a Foothills Lincoln-Mercury, Mazda, located in Spokane, Washington.
3. CGA has not applied for, or been granted, a certificate of authority by the Office of the Insurance Commissioner ("OIC") to act as an insurer in the State of Washington.
4. During 1999, Art Roberson, Sr., on behalf of CGA, sold an insurance contract to Spokane Lincoln Mercury Sales, Inc., d/b/a Foothills Lincoln-Mercury, Mazda, located in Spokane, Washington, covering a risk located in Washington State.

5. During 2000, Lauren Roberson, on behalf of CGA, solicited Washington residents to enter insurance transactions with CGA to cover risks located in Washington State.
6. On or about May 31, 2000, OIC issued a Cease and Desist Order, No. D 2000-44, ordering CGA, Art Roberson, Sr., and Lauren Roberson to cease the solicitation, sale, and issuance of indemnification contracts with Washington residents and/or covering risks located in the State of Washington.
7. After issuance of Order No. D2000-44, CGA, Art Roberson, Sr. and Lauren Roberson cooperated with OIC in changing their business practices to bring them into compliance with Washington law, as set forth in Exhibit 1 hereto..

CONCLUSIONS OF LAW

8. By issuing an insurance policy covering a Washington risk to a Washington resident, CGA acted as an insurer in the State of Washington. By acting as an insurer in the State of Washington without first procuring a certificate of authority from the Washington State Insurance Commissioner, CGA violated RCW 48.05.030.
9. By taking an application for, procuring and placing, an insurance contract with a Washington resident to cover a risk located in Washington State, Art Roberson, Sr. acted as an agent in Washington State. By acting as an agent in the State of Washington without first procuring a license therefor, Art Roberson, Sr. violated RCW 48.17.060.
10. By soliciting Washington residents to apply and contract for insurance, Lauren Roberson acted as a solicitor in Washington State. By acting as a solicitor in the State of Washington without first procuring a license therefor, Lauren Roberson violated RCW 48.17.060.

CONSENT TO ORDER

Charitable Golf Association, Inc., Art Roberson, Sr. and Lauren Roberson hereby admit to the foregoing Findings of Fact and Conclusions of Law. Charitable Golf Association, Inc., Art Roberson, Sr. and Lauren Roberson acknowledge their duty to comply fully with the applicable laws of the State of Washington.

By agreement of the parties, the OIC will withdraw Cease and Desist Order No. D2000-44 and replace it with this Consent Order, and OIC will impose a fine of \$5,000 on Charitable Golf Association, Inc., but will not seek other sanctions, including refusing, revoking, or suspending any license(s) of Charitable Golf Association, Inc., Art Roberson, Sr. and Lauren Roberson, on condition that:

1. Charitable Golf Association, Inc. pay the fine within 30 days of the date of entry of this Order;
2. Charitable Golf Association, Inc., Art Roberson, Sr. and Lauren Roberson commit no further violations of the statutes that are the subject of this Consent Order for a period of two years from the date on which this Order is entered.

3. Charitable Golf Association, Inc., Art Roberson, Sr., and Lauren Roberson conduct all future insurance transactions with Washington residents or covering Washington based risk as set forth in Exhibit 1, attached hereto.

EXECUTED and AGREED this _____ day of _____, 2000.

CHARITABLE GOLF ASSOCIATION

Title: _____

Signed: _____

ORDER

Pursuant to RCW 48.05.185, the Insurance Commissioner hereby imposes a fine of Five Thousand Dollars upon Charitable Golf Association, Inc., under the Conditions set forth in the Consent to Order section of this Consent Order. The fine must be paid in full within thirty days of the date of entry of this order. Failure to pay the fine and to comply with the Conditions set forth above shall constitute grounds for recovery of the fine, for revocation of respondents' Washington licenses, if any, and for imposition of further penalties in a civil and/or criminal action brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

ENTERED AT OLYMPIA, WASHINGTON, this _____ day of _____, 2000.

DEBORAH SENN
Insurance Commissioner

By: _____

Carol Sureau
Deputy Commissioner, Legal Affairs
Office of the Insurance Commissioner